

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF LARRY ) APPEAL NO. 06-A-2529  
JAMISON from the decision of the Board of ) FINAL DECISION AND ORDER  
Equalization of Kootenai County for tax year )  
2006. )

**RESIDENTIAL PROPERTY APPEAL**

THIS MATTER came on for hearing December 12, 2006, in Coeur d'Alene, Idaho, before Board Member Vernon L. Driver. Board Members Lyle R. Cobbs and David E. Kinghorn participated in this decision. Appellant Larry Jamison appeared at hearing. Appraiser Lon Middleton and Residential Appraisal Manager Darin Krier appeared for Respondent Kootenai County. This appeal is taken from a decision of the Kootenai County Board of Equalization (BOE) denying the protest of the valuation for taxing purposes of property described as Parcel No. 50N04W048500.

**The issue on appeal is the market value of a residential property.**

**The decision of the Kootenai County Board of Equalization is affirmed.**

FINDINGS OF FACT

The assessed land value is \$114,750, and the improvements' valuation is \$145,333, totaling \$260,083. Before the Kootenai County BOE, Appellant requested the land value be reduced to \$149,043. There was no specified value claim put before the Board of Tax Appeals.

The subject residence, built in 1953, is a single-family dwelling. The dwelling has two floors and subject is not within the Coeur d'Alene City limits. The property is located in an area of the County which is changing to light commercial. Subject continues to be used and assessed as a residential parcel.

Appellant reported receiving two assessment notices for tax year 2006. The notices demonstrated a large increase in assessed value from the prior year.

Appellant contended the inclusion of subject within a Coeur d'Alene Urban Renewal District (URD) equates to taxation without representation and provides no benefit to subject as it is located outside city limits.

The subject residence is 53 years old and Appellant described the County's comparable sale as much newer and not stick-built, and therefore not like subject. Although the sale is located two miles from subject, the County Appraiser explained it is in the same geo-economic area (GEA). The sale's site size is explained to be similar to subject, the comparable is also not within city limits, and the site has a private well and septic system.

Subject residence has been painted, the roof repaired and new carpet installed since construction. However Appellant does not believe this should change the value to the extent of the 2006 increase.

Appellant's primary concern dealt with the Urban Renewal Development (URD) tax. Appellant does not live in the City of Coeur d'Alene and does not understand why the tax is paid to the City of Coeur d'Alene and then dispersed to the Lake City Developers. According to Appellant, the development receiving the money encompasses \$2,000,000 residences and the owners of those properties should be responsible for the tax impact fee. Appellant believes the situation is illegal and the continual increase in value is going to force Appellant out of his residence.

Assessed values in subject's GEA for improved, 1-acre sites are \$85,000. This value was developed by an analysis of sales from the "Big Sky" development, and vacant land sales

within the City of Coeur d'Alene in developments such as Indian Meadows and Timber Lane.

The last full revaluation of subject's area was for the 2005 assessment year. The base value for the subject site was discounted by 10% for a frontage adjustment. The Assessor referred to Idaho Code § 63-214: *In order to promote uniform assessment of property in the State of Idaho, taxable property shall be appraised or indexed annually to reflect current market value.* The annual Ratio Study for 2006 had only two sales within subject's GEA. One sale was a commercial property, but the other was used and described above.

### CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

This Board understands Appellant's concern with the property value increase, also with the confusion caused by the URD and two assessment notices. The Board's jurisdiction on appeal is responsible for determining the market value of property, and does not reach matters relating directly to the amount of taxes or where such taxes are used or levied. We note the County explained the URD at this Board's appellate hearing and at the Board of Equalization hearing.

As the Assessor observed, the statutory requirement to appraise property at market value is set out in Idaho Code § 63-314 and other Title 63 code sections. Market value is defined in Idaho Code § 63-201(10) as follows:

"Market value" means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing

seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Market price evidence and other Information pertaining to subject's likely selling price was furnished by the Assessor in supporting the 2006 indexing (trending) and current property values for subject.

Absent a showing that an assessed valuation of property was prejudicially discriminative, or that the assessment was otherwise unlawful or erroneous, the presumption prevails that the value affixed by the assessor is correct. Janss Corp. vs. Board of Equalization of Blaine County, 93 Idaho 928, 478 P.2d 878 (1970). Appellant has not furnished persuasive value evidence or a supported opinion of value for subject. No error in the assessment of subject was proven. Therefore the Board will affirm the value decision of the Kootenai County Board of Equalization.

#### FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Kootenai County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

DATED this 27th day of April, 2007.